

Remarks

This Election of Species is responsive to the Office Action mailed June 23, 2003. Claims 1-3, 11-26, and 34-48 are pending in this application. The Office Action states the following:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I. A non-crystalline oxide represented by the formula (I)
 $\text{AlBO}_4)_x(\text{M}_n\text{O}_m)_{1-x}$, appearing to correspond to claims 1-3 and 11-23; and

Species II. A non-crystalline oxide represented by the formula (II)
 $(\text{Al}_2\text{O}_3)_j(\text{M}_n\text{O}_m)_k$, appearing to correspond to claims 24-26 and 34-48.

Office Action, page 2, first paragraph. The Office Action further requires Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants elect Species II, a non-crystalline oxide represented by the formula (II)
 $(\text{Al}_2\text{O}_3)_j(\text{M}_n\text{O}_m)_k$. Claims 24-26 and 34-48 read on the elected species.

Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Applicants submit that this application is now in condition for substantive examination, which action is respectfully requested. The Examiner is also encouraged to contact the undersigned directly if such contact will expedite the examination and allowance of the pending claims.

In re: Lucovsky et al.
Serial No.: 09/891,552
Filed: June 25, 2001
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No fee is believed due to accompany this response. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



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Date of Deposit: July 23, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.


Vickie Diane Prior